

# Exhibit E

**Tony Russo**

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**From:** Amy Nemetz  
**Sent:** Thursday, October 13, 2022 7:42 PM  
**To:** Jeff.Butler@CliffordChance.com; David Flugman; Meredith.George@CliffordChance.com  
**Cc:** Tony Russo; Joshua Margolin; Lena Konanova; Ron Krock; David Elsberg; mkrzyzowski@brownrudnick.com; kdorso@brownrudnick.com  
**Subject:** RE: [EXT] RE: Fairfield Sentry Ltd. (in Liquidation) v. ABN AMRO Schweiz AG, Adv. Pro. Nos. 10-03635(CGM) & 10-03636(CGM) (S.D.N.Y. Bankr.)

Jeff and Meredith,

Thanks for the clarification below regarding the litigation hold. In going over our notes we wanted to clarify the following:

1. You told us this morning that the litigation hold that BIL issued in 2010 did not include any organization-level preservation of electronic data – e.g., that each individual person who received the hold was instructed to preserve information, but that BIL did not preserve (for example) custodial .pst files or other ESI stored on its computer systems. At the same time, you told us that there was no automatic deletion of emails. For the four former employees identified in your amended Rule 26(a) disclosures as having potentially relevant information, can you tell us what happened to their .pst files as of the date of their departure? In other words, when Mr. Baldinucci left the bank in 2012 or 2013, what happened to his emails? Did someone at BIL decide not to retain those emails?
2. For the individuals identified in your amended Rule 26(a) disclosures who are still employed by the bank (Ms. Salentiny and Ms. Totaro), you told us today that their email inboxes were searched and contain no emails from the 2005-2008 time period. You also generally represented that BIL employees were permitted to delete emails in order to release additional space on BIL's servers. If you have any reason to believe Ms. Salentiny and Ms. Totaro did *not* participate in this general email deletion practice, please tell us now.
3. Since 2005, has BIL (or its predecessor, Dexia) had a standard policy for preserving employees' electronic data when they leave the bank? If so, did that policy provide for anything different for employees who were issued a litigation hold?

We also want to reiterate our request for BIL to produce the litigation hold that was issued. To the extent that work product protections attach to litigation holds generally, that protection is not absolute and courts have ordered parties to produce holds where they are relevant to potential spoliation. *See, e.g., Bagley v. Yale Univ.*, 318 F.R.D. 234, 242 (D. Conn. 2016). At a minimum, we request that you provide us with the language from the hold that outlines the scope of what each recipient was directed to preserve so that we can evaluate whether the hold that was issued was reasonable under the circumstances.

We need to understand whether you are willing to answer these questions, and to actually receive the answers, expeditiously as it affects what we may or may not need to raise before Judge Morris next week. We therefore ask that you provide us with this information by the end of the day tomorrow, October 14.

Thank you,

**Amy Nemetz**

Associate [\[Email\]](#)

Selendy Gay Elsberg PLLC [\[Web\]](#)

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**From:** Jeff.Butler@CliffordChance.com <Jeff.Butler@CliffordChance.com>  
**Sent:** Thursday, October 13, 2022 1:02 PM  
**To:** David Flugman <dflugman@selendygay.com>; Meredith.George@CliffordChance.com  
**Cc:** Amy Nemetz <anemetz@selendygay.com>; Tony Russo <trusso@selendygay.com>; Joshua Margolin <jmargolin@selendygay.com>; Lena Konanova <lkonanova@selendygay.com>; Ron Krock <rkrock@selendygay.com>; David Elsberg <delsberg@selendygay.com>; mkrzyzowski@brownrudnick.com; kdorso@brownrudnick.com  
**Subject:** RE: [EXT] RE: Fairfield Sentry Ltd. (in Liquidation) v. ABN AMRO Schweiz AG, Adv. Pro. Nos. 10-03635(CGM) & 10-03636(CGM) (S.D.N.Y. Bankr.)

Dear David, Amy, Tony,

Thank you for coming over this morning for a productive discussion. As requested, I would like to confirm the following: A document retention notice relating to Fairfield clawback litigation was circulated to just over 200 BIL employees on or about November 25, 2010, including four of the six individuals named in BIL's initial disclosures: Gianni Baldanucci, Marie-Claire Meyers, Maria Totaro and Jeannot Reiter.

Regards, JB

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**From:** David Flugman <dflugman@selendygay.com>  
**Sent:** Wednesday, October 12, 2022 5:32 PM  
**To:** George, Meredith (Litigation-NY) <[Meredith.George@CliffordChance.com](mailto:Meredith.George@CliffordChance.com)>; Butler, Jeff E. (Litigation-NY) <[Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com)>  
**Cc:** Amy Nemetz <[anemetz@selendygay.com](mailto:anemetz@selendygay.com)>; Tony Russo <[trusso@selendygay.com](mailto:trusso@selendygay.com)>; Joshua Margolin <[jmargolin@selendygay.com](mailto:jmargolin@selendygay.com)>; Lena Konanova <[lkonanova@selendygay.com](mailto:lkonanova@selendygay.com)>; Ron Krock <[rkrock@selendygay.com](mailto:rkrock@selendygay.com)>; David Elsberg <[delsberg@selendygay.com](mailto:delsberg@selendygay.com)>; [mkrzyzowski@brownrudnick.com](mailto:mkrzyzowski@brownrudnick.com); [kdorso@brownrudnick.com](mailto:kdorso@brownrudnick.com)  
**Subject:** RE: [EXT] RE: Fairfield Sentry Ltd. (in Liquidation) v. ABN AMRO Schweiz AG, Adv. Pro. Nos. 10-03635(CGM) & 10-03636(CGM) (S.D.N.Y. Bankr.)

Thank you Meredith.

**David S. Flugman**  
Partner [\[Email\]](#) [\[Bio\]](#)  
Selendy Gay Elsberg PLLC [\[Web\]](#)  
Pronouns: he, him, his

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**From:** [Meredith.George@CliffordChance.com](mailto:Meredith.George@CliffordChance.com) <[Meredith.George@CliffordChance.com](mailto:Meredith.George@CliffordChance.com)>  
**Sent:** Wednesday, October 12, 2022 5:02 PM  
**To:** [Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com); David Flugman <[dflugman@selendygay.com](mailto:dflugman@selendygay.com)>  
**Cc:** Amy Nemetz <[anemetz@selendygay.com](mailto:anemetz@selendygay.com)>; Tony Russo <[trusso@selendygay.com](mailto:trusso@selendygay.com)>; Joshua Margolin <[jmargolin@selendygay.com](mailto:jmargolin@selendygay.com)>; Lena Konanova <[lkonanova@selendygay.com](mailto:lkonanova@selendygay.com)>; Ron Krock <[rkrock@selendygay.com](mailto:rkrock@selendygay.com)>; David Elsberg <[delsberg@selendygay.com](mailto:delsberg@selendygay.com)>; [mkrzyzowski@brownrudnick.com](mailto:mkrzyzowski@brownrudnick.com); [kdorso@brownrudnick.com](mailto:kdorso@brownrudnick.com)  
**Subject:** RE: [EXT] RE: Fairfield Sentry Ltd. (in Liquidation) v. ABN AMRO Schweiz AG, Adv. Pro. Nos. 10-03635(CGM) & 10-03636(CGM) (S.D.N.Y. Bankr.)

All,

I have provided the 1<sup>st</sup> floor security desk with your names. When you arrive at the 4<sup>th</sup> floor lobby, the receptionist will ask for proof of Covid-19 vaccination, so please bring your vaccination card or electronic proof of vaccination.

Best Regards,  
Meredith

Meredith George  
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[meredith.george@cliffordchance.com](mailto:meredith.george@cliffordchance.com)  
**See our Firm's call to action for racial equality [here](#)**

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**From:** Butler, Jeff E. (Litigation-NY) <[Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com)>  
**Sent:** Wednesday, October 12, 2022 4:08 PM  
**To:** David Flugman <[dflugman@selendygay.com](mailto:dflugman@selendygay.com)>  
**Cc:** Amy Nemetz <[anemetz@selendygay.com](mailto:anemetz@selendygay.com)>; Tony Russo <[trusso@selendygay.com](mailto:trusso@selendygay.com)>; George, Meredith (Litigation-NY) <[Meredith.George@CliffordChance.com](mailto:Meredith.George@CliffordChance.com)>; Joshua Margolin <[jmargolin@selendygay.com](mailto:jmargolin@selendygay.com)>; Lena Konanova <[lkonanova@selendygay.com](mailto:lkonanova@selendygay.com)>; Ron Krock <[rkrock@selendygay.com](mailto:rkrock@selendygay.com)>; David Elsberg <[delsberg@selendygay.com](mailto:delsberg@selendygay.com)>; [mkrzyzowski@brownrudnick.com](mailto:mkrzyzowski@brownrudnick.com); [kdorso@brownrudnick.com](mailto:kdorso@brownrudnick.com)  
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That works—see you tomorrow.

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**From:** David Flugman <[dflugman@selendygay.com](mailto:dflugman@selendygay.com)>  
**Sent:** Wednesday, October 12, 2022 3:50 PM  
**To:** Butler, Jeff E. (Litigation-NY) <[Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com)>  
**Cc:** Amy Nemetz <[anemetz@selendygay.com](mailto:anemetz@selendygay.com)>; Tony Russo <[trusso@selendygay.com](mailto:trusso@selendygay.com)>; George, Meredith (Litigation-NY) <[Meredith.George@CliffordChance.com](mailto:Meredith.George@CliffordChance.com)>; Joshua Margolin <[jmargolin@selendygay.com](mailto:jmargolin@selendygay.com)>; Lena Konanova

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**Subject:** RE: [EXT] RE: Fairfield Sentry Ltd. (in Liquidation) v. ABN AMRO Schweiz AG, Adv. Pro. Nos. 10-03635(CGM) & 10-03636(CGM) (S.D.N.Y. Bankr.)

Jeff, the responses are not particularly voluminous so we were able to review them yesterday. Amy, Tony, and I look forward to seeing you at your offices at 11 am tomorrow.

Regards,

**David S. Flugman**

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**From:** [Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com) <[Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com)>

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**Cc:** Amy Nemetz <[anemetz@selendygay.com](mailto:anemetz@selendygay.com)>; Tony Russo <[trusso@selendygay.com](mailto:trusso@selendygay.com)>;

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Dear David,

I may have misread your email below, as I was under the impression you wanted review our amended responses before having another meet and confer. As it stands, we are available to meet tomorrow between 11am and 3pm, or Friday between 10am and 4pm. We would be happy to host the meeting at our office if that still works for you.

Regards, JB

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**From:** David Flugman <[dflugman@selendygay.com](mailto:dflugman@selendygay.com)>

**Sent:** Tuesday, October 11, 2022 4:56 PM

**To:** Butler, Jeff E. (Litigation-NY) <[Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com)>

**Cc:** Amy Nemetz <[anemetz@selendygay.com](mailto:anemetz@selendygay.com)>; Tony Russo <[trusso@selendygay.com](mailto:trusso@selendygay.com)>; George, Meredith (Litigation-NY)

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**Subject:** RE: [EXT] RE: Fairfield Sentry Ltd. (in Liquidation) v. ABN AMRO Schweiz AG, Adv. Pro. Nos. 10-03635(CGM) & 10-03636(CGM) (S.D.N.Y. Bankr.)

Jeff: confirming receipt and we are reviewing. Your email does not indicate when your team is available to meet and confer – when are you available to do so tomorrow? Thanks.

**David S. Flugman**

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**From:** [Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com) <[Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com)>

**Sent:** Tuesday, October 11, 2022 4:02 PM

**To:** David Flugman <[dflugman@selendygay.com](mailto:dflugman@selendygay.com)>

**Cc:** Amy Nemetz <[anemetz@selendygay.com](mailto:anemetz@selendygay.com)>; Tony Russo <[trusso@selendygay.com](mailto:trusso@selendygay.com)>; [Meredith.George@CliffordChance.com](mailto:Meredith.George@CliffordChance.com); Joshua Margolin <[jmargolin@selendygay.com](mailto:jmargolin@selendygay.com)>; Lena Konanova <[lkonanova@selendygay.com](mailto:lkonanova@selendygay.com)>; Ron Krock <[rkrock@selendygay.com](mailto:rkrock@selendygay.com)>; David Elsberg <[delsberg@selendygay.com](mailto:delsberg@selendygay.com)>; [mkrzyzowski@brownrudnick.com](mailto:mkrzyzowski@brownrudnick.com); [kdorso@brownrudnick.com](mailto:kdorso@brownrudnick.com)

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Dear David, Amy, Tony,

See attached for BIL's amended Rule 26(a) disclosures and amended responses to the First Set of Interrogatories.

Regards, JB

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**From:** David Flugman <[dflugman@selendygay.com](mailto:dflugman@selendygay.com)>

**Sent:** Thursday, October 6, 2022 6:09 PM

**To:** Butler, Jeff E. (Litigation-NY) <[Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com)>

**Cc:** Amy Nemetz <[anemetz@selendygay.com](mailto:anemetz@selendygay.com)>; Tony Russo <[trusso@selendygay.com](mailto:trusso@selendygay.com)>; George, Meredith (Litigation-NY) <[Meredith.George@CliffordChance.com](mailto:Meredith.George@CliffordChance.com)>; Joshua Margolin <[jmargolin@selendygay.com](mailto:jmargolin@selendygay.com)>; Lena Konanova <[lkonanova@selendygay.com](mailto:lkonanova@selendygay.com)>; Ron Krock <[rkrock@selendygay.com](mailto:rkrock@selendygay.com)>; David Elsberg <[delsberg@selendygay.com](mailto:delsberg@selendygay.com)>; [mkrzyzowski@brownrudnick.com](mailto:mkrzyzowski@brownrudnick.com); [kdorso@brownrudnick.com](mailto:kdorso@brownrudnick.com)

**Subject:** Re: [EXT] RE: Fairfield Sentry Ltd. (in Liquidation) v. ABN AMRO Schweiz AG, Adv. Pro. Nos. 10-03635(CGM) & 10-03636(CGM) (S.D.N.Y. Bankr.)

Jeff,

The Liquidators have been clear that they are eager to meet to get answers to the questions we have been asking for months. We have not, as your message suggests, expressed a desire to postpone the meet and confer that we had

agreed to hold on Tuesday, October 4<sup>th</sup>; rather, after you cancelled on Monday afternoon, we provided you with our availability for today (Thursday) and tomorrow (Friday) – days on which you indicated your team would be available to meet. After getting no response to my email of Monday, we followed up again last night to confirm whether you could meet, as suggested, this afternoon. We were surprised to receive an email suggesting a delay of another week when, on Monday, you were prepared to meet today.

To be clear, we think that it would be helpful to have amended Rule 26(a) initial disclosures in hand when we meet, which is why we asked for them by September 30, in advance of our originally-scheduled meeting. Indeed, we should not have had to ask for those amended disclosures as it is BIL's obligation to provide that information of its own accord. The same is true for substantive responses to our interrogatories. But we do not believe that BIL's inability to provide us with information we should have had months ago should further delay our discussions. Delaying until next Wednesday or Thursday prejudices the Liquidators' ability to assess the information you have been gathering, ask appropriate follow up questions, and determine whether they must seek additional relief from the Court at the next omnibus hearing, which is scheduled for October 19<sup>th</sup> -- less than two weeks from now.

Over three weeks have passed since we last were before Judge Morris and yet, despite asking, the Liquidators find themselves without any meaningful amount of new information on the issues we raised. We think it is important to continue our discussions, so that we understand what questions you are willing to answer, and whether the answers to the questions you are willing to answer warrant further action on the part of the Liquidators. If you cannot serve amended Rule 26(a) disclosures and substantive interrogatory responses until Tuesday, we can schedule another meet and confer to discuss questions raised by those documents next week as needed.

In the meantime, please let us know if you remain available to meet tomorrow and, if not, when your next availability to meet is.

Regards,

**David S. Flugman**

Partner [[Email](#) | [Bio](#)]

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On Oct 6, 2022, at 3:33 PM, [Jeff.Butler@cliffordchance.com](mailto:Jeff.Butler@cliffordchance.com) wrote:

Dear David,

Over the past two weeks, we have been speaking to various individuals within BIL, both in person and by video, to confirm our understanding of (i) document collection and preservation steps taken in 2008 and 2010 and (ii) the availability of documents and other information that may be relevant to the issue of personal jurisdiction. We are still awaiting a few items from BIL, but the work is almost complete. When we have all the necessary information from BIL, we will be able to provide an amended Rule 26(a) disclosure as well as amended responses to your first set of interrogatories (both as they relate to the issue of personal jurisdiction). I expect to be able to provide those amended discovery responses no later than Tuesday, October 11.

I can understand your desire to postpone our follow-up meet and confer until after these amended discovery responses are provided. Given the timeline outlined above, it would make sense to schedule our meeting for Wednesday or Thursday of next week.

Regards, JB

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**From:** David Flugman <[dflugman@selendygay.com](mailto:dflugman@selendygay.com)>  
**Sent:** Monday, October 3, 2022 4:57 PM  
**To:** Butler, Jeff E. (Litigation-NY) <[Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com)>; Amy Nemetz <[anemetz@selendygay.com](mailto:anemetz@selendygay.com)>; Tony Russo <[trusso@selendygay.com](mailto:trusso@selendygay.com)>; George, Meredith (Litigation-NY) <[Meredith.George@CliffordChance.com](mailto:Meredith.George@CliffordChance.com)>  
**Cc:** Joshua Margolin <[jmargolin@selendygay.com](mailto:jmargolin@selendygay.com)>; Lena Konanova <[lkonanova@selendygay.com](mailto:lkonanova@selendygay.com)>; Ron Krock <[rkrock@selendygay.com](mailto:rkrock@selendygay.com)>; David Elsberg <[delsberg@selendygay.com](mailto:delsberg@selendygay.com)>; [mkrzyzowski@brownrudnick.com](mailto:mkrzyzowski@brownrudnick.com); [kdorso@brownrudnick.com](mailto:kdorso@brownrudnick.com)  
**Subject:** RE: [EXT] RE: Fairfield Sentry Ltd. (in Liquidation) v. ABN AMRO Schweiz AG, Adv. Pro. Nos. 10-03635(CGM) & 10-03636(CGM) (S.D.N.Y. Bankr.)

Hi Jeff,

We are disappointed to hear that you must cancel our meet and confer tomorrow. The holiday this week has made scheduling difficult, which is why I wanted to lock in the time tomorrow when we met on September 21<sup>st</sup>. Does your conflict tomorrow encompass the entire morning? We could meet before 11 am if that is possible for you. Otherwise, as I am offline Tuesday afternoon and Wednesday for the holiday, we could meet on Thursday afternoon from 4-5:30 or Friday at noon. Please confirm when will work for you and your team.

In the meantime, we still have not received your updated Rule 26(a) disclosures. As we explained in our letter of September 23<sup>rd</sup>, we think our meet and confer will be more productive with those amended disclosures in hand and we asked for them by last Friday so that we would have a chance to review them before we meet. Moreover, and as noted in our letters of September 15<sup>th</sup> and 23<sup>rd</sup>, your clients have to date refused to amend their facially deficient interrogatories, many of which (including Interrogatories 1, 2, 10, 12, and 13) seek information relevant to the issues currently before Judge Morris.

Consistent with our discussion on September 21<sup>st</sup> and your obligations under Rule 26(e), we again request that you provide amended Rule 26(a) disclosures as soon as possible (and in any case in advance



of our next meet and confer) and that you be prepared to tell us at the meet and confer whether your client will agree to amend its interrogatory responses and by what date.

The Liquidators look forward to your response, and reserve all rights.

Thanks,

**David S. Flugman**

Partner [[Email](#)] [[Bio](#)]

Selendy Gay Elsberg PLLC [[Web](#)]

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**From:** [Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com) <[Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com)>

**Sent:** Monday, October 3, 2022 2:15 PM

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**Cc:** Joshua Margolin <[jmargolin@selendygay.com](mailto:jmargolin@selendygay.com)>; Lena Konanova <[konanova@selendygay.com](mailto:konanova@selendygay.com)>; Ron Krock <[rkrock@selendygay.com](mailto:rkrock@selendygay.com)>; David Elsberg <[delsberg@selendygay.com](mailto:delsberg@selendygay.com)>;

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**Subject:** RE: [EXT] RE: Fairfield Sentry Ltd. (in Liquidation) v. ABN AMRO Schweiz AG, Adv. Pro. Nos. 10-03635(CGM) & 10-03636(CGM) (S.D.N.Y. Bankr.)

Hi Amy, David, Tony,

I am afraid a conflict has arisen for me tomorrow. Can we reschedule our follow-up meet and confer to later in the week? I'm available pretty much anytime on Thursday and in the morning on Friday.

Regards, JB

Jeff E. Butler

CLIFFORD CHANCE US LLP

31 West 52nd Street

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Tel: +1 212-878-8205

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**From:** Amy Nemetz <[anemetz@selendygay.com](mailto:anemetz@selendygay.com)>

**Sent:** Tuesday, September 20, 2022 9:53 AM

**To:** Butler, Jeff E. (Litigation-NY) <[Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com)>; Tony Russo

<[trusso@selendygay.com](mailto:trusso@selendygay.com)>; George, Meredith (Litigation-NY) <[Meredith.George@CliffordChance.com](mailto:Meredith.George@CliffordChance.com)>;

David Flugman <[dflugman@selendygay.com](mailto:dflugman@selendygay.com)>

**Cc:** Joshua Margolin <[jmargolin@selendygay.com](mailto:jmargolin@selendygay.com)>; Lena Konanova <[konanova@selendygay.com](mailto:konanova@selendygay.com)>; Ron

Krock <[rkrock@selendygay.com](mailto:rkrock@selendygay.com)>; David Elsberg <[delsberg@selendygay.com](mailto:delsberg@selendygay.com)>;

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**Subject:** RE: [EXT] RE: Fairfield Sentry Ltd. (in Liquidation) v. ABN AMRO Schweiz AG, Adv. Pro. Nos. 10-03635(CGM) & 10-03636(CGM) (S.D.N.Y. Bankr.)

Jeff, tomorrow at noon works for us. Thanks.

**From:** [Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com) <[Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com)>  
**Sent:** Monday, September 19, 2022 3:59 PM  
**To:** Amy Nemetz <[anemetz@selendygay.com](mailto:anemetz@selendygay.com)>; Tony Russo <[trusso@selendygay.com](mailto:trusso@selendygay.com)>;  
[Meredith.George@CliffordChance.com](mailto:Meredith.George@CliffordChance.com); David Flugman <[dflugman@selendygay.com](mailto:dflugman@selendygay.com)>  
**Cc:** Joshua Margolin <[jmargolin@selendygay.com](mailto:jmargolin@selendygay.com)>; Lena Konanova <[lkonanova@selendygay.com](mailto:lkonanova@selendygay.com)>; Ron  
Krock <[rkrock@selendygay.com](mailto:rkrock@selendygay.com)>; David Elsberg <[delsberg@selendygay.com](mailto:delsberg@selendygay.com)>;  
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**Subject:** RE: [EXT] RE: Fairfield Sentry Ltd. (in Liquidation) v. ABN AMRO Schweiz AG, Adv. Pro. Nos. 10-03635(CGM) & 10-03636(CGM) (S.D.N.Y. Bankr.)

The best time for our side would be Wednesday at noon. Please confirm and we will see you then.

Jeff E. Butler  
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**From:** Amy Nemetz <[anemetz@selendygay.com](mailto:anemetz@selendygay.com)>  
**Sent:** Friday, September 16, 2022 6:05 PM  
**To:** Butler, Jeff E. (Litigation-NY) <[Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com)>; Tony Russo  
<[trusso@selendygay.com](mailto:trusso@selendygay.com)>; George, Meredith (Litigation-NY) <[Meredith.George@CliffordChance.com](mailto:Meredith.George@CliffordChance.com)>;  
David Flugman <[dflugman@selendygay.com](mailto:dflugman@selendygay.com)>  
**Cc:** Joshua Margolin <[jmargolin@selendygay.com](mailto:jmargolin@selendygay.com)>; Lena Konanova <[lkonanova@selendygay.com](mailto:lkonanova@selendygay.com)>; Ron  
Krock <[rkrock@selendygay.com](mailto:rkrock@selendygay.com)>; David Elsberg <[delsberg@selendygay.com](mailto:delsberg@selendygay.com)>;  
[mkrzyzowski@brownrudnick.com](mailto:mkrzyzowski@brownrudnick.com); [kdorso@brownrudnick.com](mailto:kdorso@brownrudnick.com)  
**Subject:** Re: [EXT] RE: Fairfield Sentry Ltd. (in Liquidation) v. ABN AMRO Schweiz AG, Adv. Pro. Nos. 10-03635(CGM) & 10-03636(CGM) (S.D.N.Y. Bankr.)

Jeff,

We can do anytime in the Tuesday window or Wednesday from 12-3. Let us know what works.

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**From:** [Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com) <[Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com)>  
**Sent:** Friday, September 16, 2022 12:09:00 PM  
**To:** Amy Nemetz <[anemetz@selendygay.com](mailto:anemetz@selendygay.com)>; Tony Russo <[trusso@selendygay.com](mailto:trusso@selendygay.com)>;  
[Meredith.George@CliffordChance.com](mailto:Meredith.George@CliffordChance.com) <[Meredith.George@CliffordChance.com](mailto:Meredith.George@CliffordChance.com)>; David Flugman  
<[dflugman@selendygay.com](mailto:dflugman@selendygay.com)>  
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Krock <[rkrock@selendygay.com](mailto:rkrock@selendygay.com)>; David Elsberg <[delsberg@selendygay.com](mailto:delsberg@selendygay.com)>;  
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<[kdorso@brownrudnick.com](mailto:kdorso@brownrudnick.com)>  
**Subject:** RE: [EXT] RE: Fairfield Sentry Ltd. (in Liquidation) v. ABN AMRO Schweiz AG, Adv. Pro. Nos. 10-03635(CGM) & 10-03636(CGM) (S.D.N.Y. Bankr.)

Hi Amy,

Monday does not work for our meet and confer, but Meredith and I could come over to your office on Tuesday between noon and 4pm or Wednesday between 11am and 3pm. Just to set expectations, though: We will NOT have answers to all of the questions set forth in the letter you forwarded. As you know, the Court has not yet ordered a deposition on these issues—and the Court certainly has not ordered a deposition of ME on these issues.

We do expect to have some additional information for you by next week, and I will be meeting with BIL in Luxembourg the following week, where I expect to be able to gather even more information.

I look forward to seeing you in person next week.

Regards, JB

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**From:** Amy Nemetz <[anemetz@selendygay.com](mailto:anemetz@selendygay.com)>  
**Sent:** Thursday, September 15, 2022 9:47 PM  
**To:** Butler, Jeff E. (Litigation-NY) <[Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com)>; Tony Russo <[trusso@selendygay.com](mailto:trusso@selendygay.com)>; George, Meredith (Litigation-NY) <[Meredith.George@CliffordChance.com](mailto:Meredith.George@CliffordChance.com)>; David Flugman <[dflugman@selendygay.com](mailto:dflugman@selendygay.com)>  
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**Subject:** RE: [EXT] RE: Fairfield Sentry Ltd. (in Liquidation) v. ABN AMRO Schweiz AG, Adv. Pro. Nos. 10-03635(CGM) & 10-03636(CGM) (S.D.N.Y. Bankr.)

Jeff,

Please see the attached correspondence. We'd appreciate it if you could let us know your availability for the court-ordered meet and confer by 5pm tomorrow.

---

**From:** Amy Nemetz <[anemetz@selendygay.com](mailto:anemetz@selendygay.com)>  
**Sent:** Wednesday, September 7, 2022 7:53 PM  
**To:** [Jeff.Butler@CliffordChance.com](mailto:Jeff.Butler@CliffordChance.com); Tony Russo <[trusso@selendygay.com](mailto:trusso@selendygay.com)>; [Meredith.George@CliffordChance.com](mailto:Meredith.George@CliffordChance.com)  
**Cc:** Joshua Margolin <[jmargolin@selendygay.com](mailto:jmargolin@selendygay.com)>; Lena Konanova <[lkonanova@selendygay.com](mailto:lkonanova@selendygay.com)>; Ron Krock <[rkrock@selendygay.com](mailto:rkrock@selendygay.com)>; [MKrzyzowski@brownrudnick.com](mailto:MKrzyzowski@brownrudnick.com); [kdorso@brownrudnick.com](mailto:kdorso@brownrudnick.com)  
**Subject:** Re: [EXT] RE: Fairfield Sentry Ltd. (in Liquidation) v. ABN AMRO Schweiz AG, Adv. Pro. Nos. 10-03635(CGM) & 10-03636(CGM) (S.D.N.Y. Bankr.)

Jeff,

Thanks for the update. We really need an answer on the extent of BIL's electronically searchable files by the end of tomorrow.

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